

Land Location	Lot 6, Apold Road, Murbko
Legal Description	Certificate of Title Volume 5546 Folio 547, being Allotment (Reserve) 6 Deposited Plan 18250 in the Area Named Murbko Hundred of Cadell
Ownership Details	Mid Murray Council
Dedication, Trust or Restriction	Lot 6 Apold Road is dedicated as a Reserve
Lease Details	Unregistered ground lease to The Pine Village Land & Services Management Association Incorporated ABN 98 095 853 737
Applicable Policies / By-Laws no order or priority is intended	• Leases & Licences Policy • Disposal of Land & Asset Policy • Event Management Policy • Local Government Land By-Law No.4 of 2018 • Public Consultation Policy
Facilities / Assets	Boat Ramp
Planning Zone	Conservation and Rural Settlement

Acknowledgement of Traditional Owners

The Mid Murray Council and its community acknowledge the Traditional Owners of the lands and waters of our Council district.

Introduction

All land (except roads) that is owned by the Council or under the Council's care, control and management is deemed as Community Land, unless the Land has been specifically excluded from the Community Land classification by resolution of the Council.

In accordance with subsection 196(1) of the Local Government Act, a council must prepare and maintain a management plan or management plans for:

- all Community Land under an instrument of trust;
- all Community Land where regulations exclude the power to revoke the classification of the land as Community Land;
- all Community Land that is, or is to be, occupied under a lease or licence; and
- all Community Land that has been, or is to be, specifically modified and adapted for the benefit or enjoyment of the community.

A management plan is a document that guides the management of particular categories of, or other specific, Community Land.

A management plan is not required for land which has been excluded from the classification of Community Land.

The Local Government Act provides the framework and requirements for the control and management of Community Land. The legislative requirements that attach to Community Land are aimed and focused on ensuring a consistent, strategic and flexible approach to land management, in order to protect community interests for current and future generations through direction and criteria for the use of Community Land.

Legislative Requirements

This Management Plan has been prepared with regard to and in accordance with the legislative requirements and framework of section 196 of the Local Government Act.

Under section 199 of the Local Government Act, the Council must manage the Land in accordance with this Management Plan.

Description and location of the Land

The land to which this Management Plan relates is the whole of the land in Certificate of Title Volume 5546 Folio 547, being Allotment (Reserve) 6 Deposited Plan 18250 in the Area named Murbko Hundred of Cadell, and more commonly known as Lot 6 Apold Road (the **Land**).

The Land:

- encompasses 39,700m² in total and is owned in fee simple by the Council.
- is a Reserve located along the River Murray, adjacent to Crown land that runs immediately adjacent to the River Murray, being part of CR 8746/543.
- can be accessed via land from Apold Road, Murbko.
- does not have access to the River Murray and its water without a separate licence being granted by the Minister for Environment and Water.
- is currently leased to The Pine Village Land & Services Management Association Incorporated ABN 98 095 853 737.
- contains a cul-de-sac extension at the end of Apold Road for access purposes.

Purpose for which the Land is held by the Council

The Council holds the Land for the primary purpose of providing open space, recreation and community space including access to the adjacent Crown land, subject to any lease, licence, easement or other use which may be granted by the Council to a person from time to time.

The Council may grant or renew leases and/or licences or other agreement for the Land where the agreements:

- are consistent with the uses and purposes included in this Management Plan;
- support the operational needs of the Council; or
- formalise any easement or encroachment, provided it does not negatively impact on the primary purposes of the Land, its amenity or any other permitted uses of the Land.

Objectives of the management of the Land

The order in which objectives are listed below is for convenience only and is not to be interpreted as an order of priority. The following objectives each carry equal weighting. Each objective is to be considered in a balanced and measured way taking into account (as relevant) the specific facts and circumstances applicable to the decision-making process.

- To provide open space areas and facilities, and services from those areas and facilities, that encourage participation in, and facilitate, recreational, cultural and community pursuits.
- To uphold any lease or licence or other use of the Land in accordance with the terms of any such document.

- To grant tenure agreements in respect of the land:
 - to provide management solutions for the land (e.g. water supply purposes, maintenance and/or fire mitigation strategies); or
 - for a use considered by the Council to be of community and/or commercial benefit; or
 - for promoting or enabling recreational uses of the land that the Council considered appropriate; or
 - for uses which protect and enhance the environmental values of the land.
- To provide improved access to the River Murray for water supply purposes for adjacent property owners (subject to access to the River Murray and its water via a separate licence granted by the Minister for Environment and Water).

Proposal for managing the Land

Subject to compliance with the requirements of all relevant legislation and Council policies and plans, the Council may develop and manage the Land to enhance its use as a community asset.

Relevant Council Policies for Management of the Land

This Management Plan will be read in conjunction, and implemented and managed in accordance, with the Council's other plans, policies and by-laws that may relate to the Land (as may be amended from time to time).

Section 196(6) of the Local Government Act states that in the event of an inconsistency between the provisions of an official plan or policy under another Act and the provisions of a management plan under this Act, then the provisions of the official plan or policy prevail to the extent of the inconsistency.

Relevant Council policies that are referred to in this Management Plan include, but are not limited to, the documents identified at page 1 of this Management Plan.

Each of the policies and plans are available for inspection at the Council's office during its office hours and on the Council's website www.mid-murray.sa.gov.au.

Leases and Licences for the Land

Over time, lease and/or licence agreements will expire, require renewal and/or renegotiation, and new leasing agreements considered. An agreement enables the Council to formalise tenure and suitable land management practices with the local community, organisations, associations, businesses and individuals who occupy or manage Community Land.

Any lease or licence granted or proposed to be granted must be consistent with the uses and purposes for which the Council holds the Land, and its objectives for the Land as outlined in this Management Plan. A lease and/or licence may be issued to sporting, recreation, business, social or community associations, clubs or groups for the use of the Land and whose activities cater for the local or broader community consistent with the objectives for the Land.

Leases or licences for less than 5 years that are consistent with the provisions of this Management Plan may be granted by the Council in accordance with section 202(3)(a) of the Local Government Act.

Where a lease or licence is proposed to be granted for a term of more than 5 years, the Council will comply with its public consultation policy in accordance with Section 202 of the Local Government Act.

A lease or licence over community land must not be granted for a term exceeding 42 years in accordance with section 202(4) of the Local Government Act.

Community Engagement is undertaken as part of the decision-making process in accordance with the Local Government Act when considering the application for a lease or licence on Community Land.

Easements

The proximity of the Land to the River Murray is such that easements for water supply purposes are often reasonably required by property owners and may be granted by the Council where:

- the proponent pays any fee which may be determined by the Council at its discretion, from time-to-time pursuant to section 188 of the Local Government Act;
- the easement is reasonably required by the proponent and the Council is satisfied that there is no reasonable alternative to the proposed easement;
- the easement is agreed by any lessees or licensees for the Land, as relevant;
- the proposed works will cause minimal disturbance to the surface of the Land; and
- appropriate easement terms are agreed between the Council and the proponent.

Performance Targets and Measures for the Land

Below is a list of performance targets and appropriate measures to enable performance under this Management Plan to be measured, and are in no order of hierarchy or priority:

Objective To uphold existing leases and licences consistently with their terms.		
Performance Target	Means to achieve	Performance Measure
To ensure compliance with terms and conditions of existing leases, licences or other rights of occupancy and use.	Regular review and audit to ensure compliance with the relevant terms of any arrangement. Any identified breaches of any terms and conditions are satisfactorily remedied. Any complaints received are investigated and addressed appropriately.	Maintain records of compliance and undertake periodic reviews and inspections in accordance with the terms of any arrangement or at law. Maintain and review records of any complaints and of outcome of investigation and resolution.
Objective To provide improved access to the River Murray for water supply purposes for adjacent property owners		
Performance Target	Means to achieve	Performance Measure
To ensure compliance the terms and conditions of any easements (or other access arrangements) granted.	Periodic inspections of the Easement area to be conducted, with any obvious safety concerns to be addressed as a matter of priority. Any identified breaches of easement terms and conditions are satisfactorily remedied.	Maintain records of compliance and undertake periodic reviews and inspections in accordance with the terms of any arrangement or at law. Maintain and review records of any complaints and of outcome of investigation and resolution.

Objective		
To maintain the Land as a Reserve		
Performance Target	Means to achieve	Performance Measure
To ensure compliance with maintenance obligations as a Reserve.	Any use of the land contemplates the intended use and is not used contrary to such use (ie as a reserve).	Periodic review of the use of the Land (including any improvements on the Land).

Definitions

For the purposes of this Management Plan:

Community Land	means all local government land (except roads) classified as community land under <i>Chapter 11</i> of the Local Government Act.
Council	means Mid Murray Council ABN 88 313 305 455.
Local Government Act	means the <i>Local Government Act 1999</i> (SA).
Management Plan	means this management plan.
Performance Measure	means the process of collecting, analysing and/or reporting information regarding the performance of the Land.
Performance Target	means the specific, planned level of a result to be achieved within a timeframe with a given level of resources for the Land.
Reserve	means Community Land dedicated or designated by the Council as a reserve.

Attachment A – Site Map

SAPPA Report

The SA Property and Planning Atlas is available on the Plan SA website: <https://sappa.plan.sa.gov.au>

Date created:
March 28, 2025

Lot 6, Apold Road Murbko

(CT 5546/547)



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